In the High Court of Uttaranchal, at Nainital.

Criminal Writ Petition No. 355/2006 (M/S)

Dil Bahadur S/o Erakh Lal
R/o Village Modh, P.S. Rukam
R/o Kapara Balasan, Tehsil Rohru,
Post Pujali No.2, District Simla,
Himanchal Pradesh .... Petitioner.

Versus

1- State of Uttaranchal.
2- Judicial Magistrate First
Dehradun ..... Respondents.

Sri D.C.S. Rawat, learned counsel for the petitioner.
Sri Nandan Arya, learned A.G.A.

(Hon'ble B.C. Kandpal, J.)

Dated: 10-04-2006

By way of this writ petition the relief has been claimed for issuing a writ in the nature of mandamus commanding the Court of Judicial Magistrate- Ist, who is the respondent No.2 in this case, to decide the criminal case No. 484 of 2004 State vs. Dil Bahadur U/S 25/27 Arms Act, expeditiously.

2- Brief facts of the case are that a case under Sections 25/27 Arms Act was registered against the petitioner in which charge sheet was submitted on 19-5-2000 before the court. The charge was framed on 25th August, 2001 and 1st October, 2001 was fixed for prosecution.

3- As the case is pending since long, therefore, this petition has been preferred for early disposal of the case.

4- Heard the learned counsel for the petitioner, learned A.G.A. and perused the record.

5- The order sheet annexed with the writ petition shows that the prosecution has been moving the adjournment applications in this case and has not been able to produce the witnesses. The court has also issued notices to the witnesses U/S 350 Cr.P.C.

but inspite of this the prosecution could not produce the witnesses before the court on the dates fixed.

6- It appears to me that unnecessary delay is being caused in the case. Therefore, the prayer made by the petitioner by way of this writ petition appears to be quite innocuous.

7- I, direct the trial court, where the aforesaid case is pending, to decide the case within a period of three months. The trial Judge, shall not grant any unnecessary adjournment to either side.

8- With the aforesaid observation the writ petition is disposed of finally.

(B.C. Kandpal, J.)

ISB